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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/724,494 | 11/28/2000 | Harry C. Sweere | 1333.001US1 | 6970 |

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EXAMINER

BAXTER, GWENDOLYN WRENN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3632

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,494

Applicant(s)

SWEERE ET AL.

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-33,36-40,42-44,46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32,33,39 and 40 is/are allowed.
- 6) ☒ Claim(s) 21-23,25-31,36,38,42-44,46 and 47 is/are rejected.
- 7) ☒ Claim(s) 24 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 15.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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This is the third office action for serial number 09/724,494, Monitor Support System, filed on November 28, 2000.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-23, 25, 26, 28-31, 36, 38, 42-44 and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,246,191 to Moss. The present invention reads on Moss as follows: Moss teaches a support mechanism comprises a guide (not numbered but labeled), a cam (22), a cam follower (23), a force member (24), and a truck (not numbered but labeled). The guide has a path of motion associated therewith. The cam has a cam profile. The cam follower is adapted to ride on the cam. The force member is to apply a force to the cam follower forcing the cam follower against the cam. The force is in a direction non-parallel to the path of motion. The cam applies a reaction force against the cam follower converts the force member force into a first reaction force component in the direction of the path of motion and a second reaction force component. The truck is coupled to the monitor or support (17) and is coupled with the at least one cam follower, movably coupled with the guide, and movable along the path of motion. The force member applies an increasing force on the cam follower as the truck moves along the path

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of motion. The cam profile comprises a shape wherein the first reaction force component is a substantially constant supporting force on the monitor or support. An arm (25) is rotatably coupled to the truck and having a distal end coupled to the cam follower. The cam profile generally faces and does not intersect an axis of motion of the truck. The path of motion is oriented in a vertical direction. The cam includes a pair of outward facing cam surfaces (20) having an increasing width therebetween towards a lower end of the cam surfaces. The cam follower and energy storage member move in a generally planar arrangement with each other. The spring member increases a pre-load force on the force component. A frictional force prevents the truck from moving until the friction force overcomes by a pre-determined outside force applied to the truck. Each cam follower rides on the cam surface and rotates the cam to increase the spring force.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moss. Moss teaches the limitations of the base claim, excluding the cam including opposing inward facing cam surfaces having a decreasing width therebetween. It would have been obvious to one having

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ordinary skill in the art at the time the invention was made to have modified the cam such that the cam surfaces having a decreasing width therebetween towards a lower end of the cam surfaces, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moss in view of U.S. Patent No. 5,685,525 to Oguri. Moss teaches the limitations of the base claim, excluding the energy storage member or spring formed by fiberglass spring. Oguri teaches an energy storage member formed by fiberglass spring (col. 3, lines 1+). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the energy storage member as taught by Moss to have incorporated the fiberglass material as taught by Oguri for the purpose of improving the impact resistance characteristics of the surface of the coil spring.

Allowable Subject Matter

Claims 24 and 37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 32, 33, 39, and 40 are allowed.

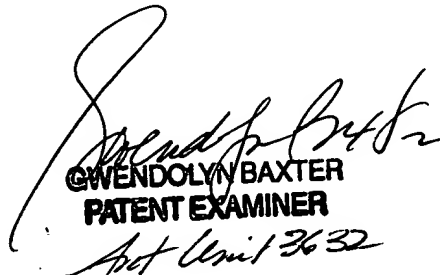
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is (703) 308-0702. The examiner can normally be reached Monday-Friday from 8:30 A.M. to 5:00 P.M. Eastern Time Zone.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for this Group is (703) 305-3597.

gb.
November 2, 2003


GWENDOLYN BAXTER
PATENT EXAMINER
Art Unit 3632